

State Water Resources Control Board

Division of Drinking Water

May 21, 2019

System No. 3910022

Mr. Neil Hagen, President
Little Potato Slough Mutual Water Company
14900 W Hwy 12, Box 1
Lodi, CA 95242

COMPLIANCE ORDER NO. 01_10_19R_001

HALOACETIC ACIDS (HAA5) MAXIMUM CONTAMINANT LEVEL VIOLATION FOR THE FIRST QUARTER OF 2019

Dear Mr. Hagen,

The Little Potato Slough Mutual Water Company Water System (hereinafter "LPS") is in violation of Section 64533(a) of the California Code of Regulations, Stage 2 Disinfection Byproduct Rule Haloacetic Acids (hereinafter "HAA5") Maximum Contaminant Level (hereinafter "MCL"). Specifically, the HAA5 locational running annual average at the single HAA5 sampling location exceeded the HAA5 MCL of 0.060 mg/L in the first quarter of 2019.

In response to this violation, the State Water Resources Control Board, Division of Drinking Water (hereinafter "Division") has issued Compliance Order No. 01_10_19R_001. The Compliance Order is being transmitted to LPS under cover of this letter. **Please note there are legally enforceable deadlines associated with this Order on Pages 4 through 6.**

The Water System will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with an order. At this time, the State Water Board has spent approximately seven hours on enforcement activities associated with this violation.

Any person who is aggrieved by a citation, order or decision issued under authority delegated to an officer or employee of the state board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

31 E. Channel Street, Room 270, Stockton, CA 95202 | www.waterboards.ca.gov

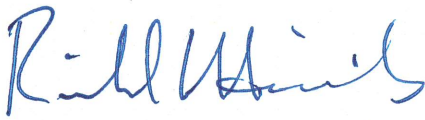
Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the officer or employee of the state board. The date of issuance is the date when the Division of Drinking Water mails a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this Compliance Order, please contact Mostafa Khademi of this office by email at Mostafa.Khademi@waterboards.ca.gov or by phone at (209) 948-3878.

Sincerely,



Richard L. Hinrichs, P.E., Chief
Northern California Section
Division of Drinking Water
State Water Resources Control Board

Certified Mail 7017 0190 0000 6412 9298

Enclosures

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Little Potato Slough Mutual Water Company

Water System No: 3910022

Attention: Mr. Neil Hagen, President

14900 W Hwy 12, Box 1

Lodi, CA 95242

Issued: May 21, 2019

COMPLIANCE ORDER FOR NONCOMPLIANCE WITH THE
STAGE 2 DISINFECTION BYPRODUCT RULE
MAXIMUM CONTAMINANT LEVEL FOR
HALOACETIC ACIDS
SECTION 64533(a), TITLE 22, CALIFORNIA CODE OF REGULATIONS

Section 116655 of the California Health and Safety Code authorizes the issuance of a compliance order to a public water system for violation of the California Safe Drinking Water Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit or order issued or adopted thereunder.

The State Water Resources Control Board (hereinafter "State Board"), acting by and through its Division of Drinking Water (hereinafter, "Division") and the Deputy Director for the Division (hereinafter, "Deputy Director"), hereby issues a compliance order to the Little Potato Slough Mutual Water Company Water System (hereinafter, "LPS") for violation of California Code of Regulations (hereinafter "CCR"), Section 64533(a), Maximum Contaminant Levels for Disinfection Byproducts.

Section 64533(a), Title 22, CCR, states in relevant part:

(a) Using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table 64533-A shall not be exceeded in drinking water supplied to the public.

Table 64533-A
Maximum Contaminant Levels and Detection Limits for Purposes of Reporting Disinfection Byproducts

| Disinfection Byproduct | Maximum Contaminant Level (mg/L) | Detection Limit for Purposes of Reporting (mg/L) |
|--------------------------------|----------------------------------|--|
| Total trihalomethanes (TTHM) | 0.080 | |
| Bromodichloromethane | | 0.0010 |
| Bromoform | | 0.0010 |
| Chloroform | | 0.0010 |
| Dibromochloromethane | | 0.0010 |
| Haloacetic acids (five) (HAA5) | 0.060 | |
| Monochloroacetic Acid | | 0.0020 |
| Dichloroacetic Acid | | 0.0010 |
| Trichloroacetic Acid | | 0.0010 |
| Monobromoacetic Acid | | 0.0010 |
| Dibromoacetic Acid | | 0.0010 |
| Bromate | 0.010 | 0.0050 |
| Chlorite | 1.0 | 0.020 |

Additional Applicable Statutes and Regulations are located in Appendix 1, which is attached hereto and incorporated by reference.

STATEMENT OF FACTS

The Little Potato Slough Mutual Water Company (LPS) provides domestic water to the residents of Tower Park Village and Tower Park Marina, both located adjacent to Little Potato Slough in Terminous, California. There is also a campground and recreational vehicle park served by the water system. The raw water source for LPS is Little Potato Slough, which receives water primarily from the Mokelumne River, but can also receive water from the Sacramento River. The raw water is treated using a conventional treatment process prior to delivery to customers. The water treatment consists of coagulation, flocculation, sedimentation, chlorination, and pressure filtration.

LPS is operating under domestic water supply permit No. 01-10-16P-009, issued to LPS by the Division on November 23, 2016.

The system serves about 660 permanent residents and a seasonal transient population that can vary greatly, to as many as around 2,000. Water service is provided through 202 service connections. The system is classified as a community water system.

CCR, Title 22, Chapter 15.5 (hereinafter "Stage 2 Disinfection Byproduct Rule" or "ST2DBPR") adopted by California, effective June 21, 2012, requires water systems serving less than 10,000 persons to monitor and report disinfection byproduct and residual disinfectant levels. The ST2DBPR applies to any community or non-transient non-community water system that treats water with a chemical disinfectant in any part of the treatment process, or that provides water containing a chemical disinfectant. CCR Section 64533 establishes a maximum contaminant level (hereinafter "MCL") in drinking water for total trihalomethanes (hereinafter "TTHM") and five haloacetic acids (hereinafter "HAA5") in drinking water of 0.080 mg/L and 0.060 mg/L, respectively.

1 Based on population, and per LPS's approved ST2DBPR compliance monitoring plan,
2 LPS is required to collect one sample per quarter for TTHM from the distribution system
3 (17 Summersky) and one sample per quarter for HAA5 from the distribution system (5
4 River Bend).

5
6 CCR, Section 64535.2(e)(1), specifies ongoing compliance determinations for quarterly
7 TTHM and HAA5 monitoring; specifically, compliance with the TTHM and HAA5 MCLs
8 are based on a locational running annual average (LRAA), computed quarterly, at each
9 approved sample site. Per §64400.66 "Locational running annual average" or "LRAA"
10 means the average of sample analytical results for samples taken at a particular
11 monitoring location during the previous four calendar quarters. If the LRAA covering any
12 consecutive four-quarter period exceeds the TTHM MCL or the HAA5 MCL at any
13 monitoring location, then the system is in violation of the MCL.

14
15 LPS had an occurrence of a HAA5 MCL violation in the past. The LRAA of the analytical
16 results submitted to the Division for the 2nd quarter of 2016 exceeded the HAA5 MCL
17 and therefore, LPS was in violation of the HAA5 MCL for the 2nd quarter of 2016. The
18 TTHM MCL was not exceeded; however, the LRAA of 0.075 mg/L was very close to the
19 MCL of 0.080 mg/L. On May 31, 2016, the Division issued Compliance Order No.
20 01_10_16R_005 for violation of CCR Section 64533(a), HAA5 MCL. According to this
21 compliance order, LPS was required to achieve compliance by no later than July 1, 2018,
22 with the completion of a project and demonstration that the LRAA had been reliably less
23 than the MCL. The results of water quality monitoring submitted to Division indicate that
24 LPS achieved compliance as the LRAAs for HAA5 from July 2016 through July 2018
25 were consistently below the MCL.

26
27 In August 2018, LPS began a trial using JC9450 ROS (oxidizer) and JC1830 (coagulant
28 aid), which are both NSF 60-approved drinking water chemicals. The stated goal of the

study was to reduce organic materials and improve the coagulation process that was impacting the clarifier and filters. It was hoped that with improved clarifier and filter performance, total organic carbon (TOC) removal would also be improved and consequently the levels of disinfection by-products would reduce. The Division directed LPS to increase HAA5 and TTHM monitoring to once per month during the trial period. Due to the nature of the new chemicals being added, LPS was asked to more frequently monitor some other water quality parameters including total chlorine residual, TOC, pH, aggressive index, and bromate. LPS was also asked to conduct lead and copper sampling from the designated lead and copper sample sites at least once during the trial period.

The results of HAA5 and TTHM monitoring for the past four calendar quarters are shown in Tables 1 & 2 below:

| Table 1) LPS HAA5 Results at Sample Location: 5 River Bend | | | |
|--|---------------|-------------------|-------------------------------|
| Sample Date | Result (mg/L) | Quarterly Average | LRAA (HAA5) MCL=0.060 mg/L |
| Apr. 2, 2018 | 0.032 | 0.032 | 0.069 |
| Jul. 2, 2018 | 0.027 | 0.055 | |
| Aug. 27, 2018 | 0.039 | | |
| Sep. 17, 2018 | 0.098 | | |
| Oct. 1, 2018 | 0.158 | 0.111 | |
| Oct. 31, 2018 | 0.117 | | |
| Nov. 12, 2018 | 0.089 | | |
| Dec. 10, 2018 | 0.126 | | |
| Dec. 31, 2018 | 0.066 | | |
| Jan. 7, 2019 | 0.066 | 0.080 | |
| Jan. 28, 2019 | 0.117 | | |
| Feb. 4, 2019 | 0.108 | | |
| Feb. 25, 2019 | 0.029 | | |

1

| Table 2) LPS TTHM Results at Sample Location: 17 Summersky | | | |
|--|---------------|-------------------|-------------------------------|
| Sample Date | Result (mg/L) | Quarterly Average | LRAA (TTHM) MCL=0.080 mg/L |
| Apr. 2, 2018 | 0.080 | 0.080 | 0.079 |
| Jul. 2, 2018 | 0.062 | 0.075 | |
| Aug. 27, 2018 | 0.074 | | |
| Sep. 17, 2018 | 0.089 | | |
| Oct. 1, 2018 | 0.096 | 0.084 | |
| Oct. 31, 2018 | 0.105 | | |
| Nov. 12, 2018 | 0.078 | | |
| Dec. 10, 2018 | 0.065 | | |
| Dec. 31, 2018 | 0.078 | | |
| Jan. 7, 2019 | 0.087 | 0.078 | |
| Jan. 28, 2019 | 0.078 | | |
| Feb. 4, 2019 | 0.094 | | |
| Feb. 25, 2019 | 0.053 | | |

2

3 The LRAA of the analytical results submitted to the Division for the 1st quarter of 2019
 4 has exceeded the HAA5 MCL and therefore, LPS is in violation of the HAA5 MCL for the
 5 1st quarter of 2019. The TTHM MCL was not exceeded; however, the LRAA of 0.079
 6 mg/L is very close to the MCL of 0.080 mg/L.

7

8 Specifically, LPS exceeded the HAA5 MCL as specified in Section 64533 (a), Title 22,
 9 CCR.

10

11

DETERMINATION

12

13

14

Based on the above Statement of Facts, the Division has determined that LPS has
 violated the LRAA MCL for HAA5 during the 1st quarter of 2019 pursuant to CCR, Title
 22, Section 64533(a).

15

16

DIRECTIVES

To ensure that the water supplied by the LPS water system is at all times safe, wholesome, healthful, and potable, LPS is hereby directed to take the following actions:

1. Cease and Desist from failing to comply with CCR, Title 22, Section 64533(a), by ensuring that the system is provided with a reliable and adequate supply of pure, wholesome, healthful, and potable water, which is in compliance with all primary drinking water standards.
2. Provide quarterly public notification, which has been approved by the Division, of its failure to meet the HAA5 MCL during any calendar quarter that the four-quarter locational running annual average exceeds the HAA5 MCL. Public Notification shall be conducted in conformance with CCR, Title 22, Sections 64463.4 and 64465. A copy of Sections 64463.4 and 64465 is included in Appendix 1. Appendix 2: *Public Notification Template* shall be used to fulfill this directive, unless otherwise approved by the Division. Public notification for the current LRAA HAA5 MCL violation for the 1st quarter of 2019 shall be provided by no later than **May 31, 2019**.
3. Proof of public notification shall be provided to the Division following each quarterly notification by no later than the 10th day of the month following notification, using the *Certification of Completion of Public Notification* provided as Appendix 3.

- 1 4. Continue to collect monthly samples for TTHM's and HAA5's from the distribution
2 system in accordance with an approved ST2DBPR monitoring plan. Obtain written
3 approval (letter or email) from the Division prior to reducing the monitoring to
4 quarterly. The analytical results shall be reported to the Division electronically by
5 the analyzing laboratory by no later than the 10th day following the month in which
6 the analyses were completed.
7
- 8 5. Prepare a Corrective Action Plan identifying improvements to the water system
9 designed to correct the water quality problem (violation of the HAA5 MCL) and
10 eliminate the need to deliver water to consumers that does not meet primary
11 drinking water standards. The plan shall include a time schedule for completion
12 of various phases of the project.
13
- 14 6. Submit the Corrective Action Plan required under Directive No. 5, above, to the
15 Division by no later than **July 31, 2019**.
16
- 17 7. Submit quarterly progress reports to the Division. The first quarterly progress
18 report shall describe progress made in the 2nd quarter of 2019 and shall be
19 submitted to the Division by no later than **July 10, 2019**, using the *Quarterly*
20 *Progress Report* form provided as Appendix 4.
21
- 22 8. Operate the existing water system to help minimize formation of total
23 trihalomethanes and haloacetic acids in the distribution system.
24
25
26
27

1 9. By no later than **May 1, 2021**, LPS shall achieve compliance with the HAA5
2 maximum contaminant level, with the completion of a project and demonstration
3 that the locational running annual average is reliably less than the MCL. LPS shall
4 provide written notification of the date that compliance is achieved, no later than
5 ten days following receipt of the laboratory sampling results.
6

7 10. By **May 31, 2019** complete and return to the State Water Board the *Notification*
8 *of Receipt* form attached to this Order as Appendix 5. Completion of this form
9 confirms that LPS has received this Order and understands that it contains legally
10 enforceable directives with due dates.
11

12 All submittals, with exception of analytical results, required by this Order shall be
13 electronically submitted to the State Water Board at the following address.
14

15 Mostafa Khademi Mostafa.Khademi@Waterboards.ca.gov
16 State Water Resources Control Board
17 Division of Drinking Water, Stockton District
18 31 E Channel St.
19 Stockton, CA 95202
20

21 The Division reserves the right to make modifications to this Order as it may deem
22 necessary to protect public health and safety. Such modifications may be issued as
23 amendments to this Order and shall be effective upon issuance.
24

25 Nothing in this Compliance Order relieves LPS of its obligation to meet the requirements
26 of the California SDWA, or any regulation, standard, permit or order issued thereunder.
27

28 If LPS is unable to perform the tasks specified in this Order for any reason, whether
29 within or beyond its control, and if LPS notifies the Division in writing no less than five

1 days in advance of the due date, the Division may extend the time for performance if
2 LPS demonstrates that it has used its best efforts to comply with the schedule and other
3 requirements of this Order.

PARTIES BOUND

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5
6
7
8 This Compliance Order shall apply to and be binding upon LPS, its owners,
9 shareholders, officers, directors, agents, employees, contractors, successors, and
10 assignees.

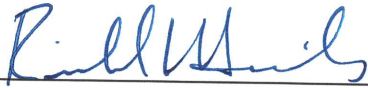
SEVERABILITY

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12
13
14 The directives of this Compliance Order are severable, and LPS shall comply with each
15 and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

16
17
18
19 The California SDWA authorizes the State Water Board to: issue a citation or order with
20 assessment of administrative penalties to a public water system for violation or continued
21 violation of the requirements of the California SDWA or any regulation, permit, standard,
22 citation, or order issued or adopted thereunder including, but not limited to, failure to
23 correct a violation identified in a citation or compliance order. The California SDWA also
24 authorizes the State Water Board to take action to suspend or revoke a permit that has
25 been issued to a public water system if the public water system has violated applicable
26 law or regulations or has failed to comply with an order of the State Water Board, and to
27 petition the superior court to take various enforcement measures against a public water

1 system that has failed to comply with an order of the State Water Board. The State
2 Water Board does not waive any further enforcement action by issuance of this Order.
3
4

5 
6

7 Richard L. Hinrichs, P.E., Chief
8 Northern California Section
9 Division of Drinking Water
10 State Water Resources Control Board
11

12 May 21, 2019
13 Date



14 Appendices 5:

- 15 1. Applicable Statutes and Regulations
- 16 2. Public Notification Template
- 17 3. Certification of Completion of Public Notification
- 18 4. Quarterly Progress Report
- 19 5. Notification of Receipt

20 Certified Mail No. 7017 0190 0000 6412 9298

**APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS FOR
Compliance Order No. 01_10_19R_001
Haloacetic Acids (HAA5) Maximum Contaminant Level Violation**

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code, Section 116655, states in relevant part:

- (a) Whenever the department determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:
- (1) Directing compliance forthwith.
 - (2) Directing compliance in accordance with a time schedule set by the State Board.
 - (3) Directing that appropriate preventive action be taken in the case of a threatened violation.
- (b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:
- (1) That the existing plant, works, or system be repaired, altered, or added to.
 - (2) That purification or treatment works be installed.
 - (3) That the source of the water supply be changed.
 - (4) That no additional service connection be made to the system.
 - (5) That the water supply, the plant, or the system be monitored.
 - (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the department.

California Code of Regulations, Title 22, states in relevant part:

§64533. Maximum Contaminant Levels for Disinfection Byproducts.

- (a) Using the monitoring and calculation methods specified in sections 64534, 64534.2, 64535, and 64535.2, the primary MCLs for the disinfection byproducts shown in table 64533-A shall not be exceeded in drinking water supplied to the public.

**Table 64533-A
Maximum Contaminant Levels and Detection Limits for Purposes of Reporting
Disinfection Byproducts**

| Disinfection Byproduct | Maximum Contaminant Level (mg/L) | Detection Limit for Purposes of Reporting (mg/L) |
|-------------------------------|---|---|
| Total trihalomethanes (TTHM) | 0.080 | |
| Bromodichloromethane | | 0.0010 |
| Bromoform | | 0.0010 |
| Chloroform | | 0.0010 |
| Dibromochloromethane | | 0.0010 |

Appendix 1. Applicable Statutes and Regulations
Compliance Order No. 01_10_19R_001

| Disinfection Byproduct | Maximum Contaminant Level (mg/L) | Detection Limit for Purposes of Reporting (mg/L) |
|--------------------------------|---|---|
| Haloacetic acids (five) (HAA5) | 0.060 | |
| Monochloroacetic Acid | | 0.0020 |
| Dichloroacetic Acid | | 0.0010 |
| Trichloroacetic Acid | | 0.0010 |
| Monobromoacetic Acid | | 0.0010 |
| Dibromoacetic Acid | | 0.0010 |
| Bromate | 0.010 | 0.0050 |
| | | 0.0010 ¹ |
| Chlorite | 1.0 | 0.020 |

¹ For analysis performed using EPA Method 317.0 Revision 2.0, 321.8, or 326.0

§64534. General Monitoring Requirements.

(a) Except as provided in subsection (b), analyses required pursuant to this chapter shall be performed by laboratories certified by the State Board to perform such analyses pursuant to Article 3, commencing with section 100825, of Chapter 4 of Part 1 of Division 101, Health and Safety Code. Unless otherwise directed by the State Board, analyses shall be made in accordance with EPA approved methods as prescribed in 40 Code of Federal Regulations, part 141.131 (63 Fed. Reg. 69466 (December 16, 1998), as amended at 66 Fed. Reg. 3776 (January 16, 2001), 71 Fed. Reg. 479 (January 4, 2006), 71 Fed. Reg. 37168 (June 29, 2006), and 74 Fed. Reg. 30958 (June 29, 2009)), which are incorporated by reference.

(b) Sample collection, and field tests including pH, alkalinity, and chlorine, chloramines, and chlorine dioxide residual disinfectants, shall be performed by personnel trained to perform such sample collections and/or tests by:

- (1) The State Board;
- (2) A laboratory certified pursuant to subsection (a); or
- (3) An operator, certified by the State Board pursuant to section 106875(a) or (b) of the Health and Safety Code and trained by an entity in paragraph (1) or (2) to perform such sample collections and/or tests.

(c) Systems shall take all samples during normal operating conditions, which exclude those circumstances covered under section 64533.5(b).

(d) A system may apply to the State Board for approval to consider multiple wells drawing water from a single aquifer as one treatment plant for determining the minimum number of TTHM and HAA5 samples required under section 64534.2(a). In order to qualify for this reduction in monitoring requirements a system shall demonstrate to the State Board that the multiple wells produce water from the same aquifer. To make this demonstration, a system shall submit information to the State Board regarding the location, depth, construction, and geologic features of each well, and water quality information for each well. The State Board will use this information to determine whether the wells produce water from a single aquifer.

Appendix 1. Applicable Statutes and Regulations
Compliance Order No. 01_10_19R_001

(e) Systems shall use only data collected under the provisions of this chapter to qualify for reduced monitoring pursuant to this article.

(f) Systems that fail to monitor shall be in violation of the monitoring requirements for the entire monitoring period that a monitoring result would be used in calculating compliance with MCLs or MRDLs, and shall notify the public pursuant to sections 64463, 64463.7, and 64465, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6.

(g) Systems that fail to monitor in accordance with the monitoring plan required by section 64534.8 shall be in violation of the monitoring requirements, and shall notify the public pursuant to sections 64463, 64463.7, and 64465, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6.

§64534.2. Disinfection Byproducts Monitoring.

(a) Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and locations indicated in table 64534.2-A.

Table 64534.2-A
Routine and Increased Monitoring Frequency for TTHM and HAA5

| COLUMN A <i>Type of System</i> | COLUMN B <i>Persons Served</i> | COLUMN C <i>Minimum monitoring frequency</i> | COLUMN D <i>Sample location in the distribution system & increased monitoring frequencies</i> |
|--------------------------------------|-----------------------------------|---|---|
| Systems using approved surface water | ≥10,000 | Four samples per quarter per treatment plant | At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods ¹ . |
| | 500 - 9,999 | One sample per quarter per treatment plant | Locations representing maximum residence time ¹ . |
| | < 500 | One sample per year per treatment plant during month of warmest water temperature | Locations representing maximum residence time ¹ . If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system shall increase monitoring to one sample per |

**Appendix 1. Applicable Statutes and Regulations
Compliance Order No. 01_10_19R_001**

treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in paragraph (3) of this subsection.

| | | | |
|---|---------|---|---|
| Systems using only ground water not under direct influence of surface water and using chemical disinfectant | ≥10,000 | One sample per quarter per treatment plant | Locations representing maximum residence time ¹ . |
| | <10,000 | One sample per year per treatment plant during month of warmest water temperature | Locations representing maximum residence time ¹ . If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system shall increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in paragraph (3) of this subsection. |

¹ If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) shall be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples shall be taken at locations representative of at least average residence time in the distribution system.

(1) Systems may apply to the State Board to monitor at a reduced frequency in accordance with table 64534.2-B. The application shall include the results of all TOC, TTHM, and HAA5 monitoring conducted in the previous 12 months and the proposed revised monitoring plan as required by section 64534.8. The State Board will evaluate data submitted with the application to determine whether or not the system is eligible for the reduced monitoring specified in table 64534.2-B;

Appendix 1. Applicable Statutes and Regulations
Compliance Order No. 01_10_19R_001

Table 64534.2-B
Reduced Monitoring Frequency for TTHM and HAA5

| <i>If the system is a(n) ...</i> | <i>serving...</i> | <i>the system may reduce monitoring if it has monitored at least one year and...</i> | <i>to this level</i> |
|---|-------------------|--|---|
| Approved surface water system which has a source water TOC ¹ level, before any treatment, □4.0 mg/L | ≥10,000 | TTHM ¹ ≤0.040 mg/L and HAA5 ¹ ≤0.030 mg/L | One sample per treatment plant per quarter at distribution system location reflecting maximum residence time. |
| | 500- 9,999 | TTHM ¹ ≤0.040 mg/L and HAA5 ¹ ≤0.030 mg/L | One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. |
| System using only ground water not under direct influence of surface water and using chemical disinfectant | ≥10,000 | TTHM ¹ ≤0.040 mg/L and HAA5 ¹ ≤0.030 mg/L | One sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. |
| | <10,000 | TTHM ¹ ≤0.040 mg/L and HAA5 ¹ ≤0.030 mg/L for two consecutive years OR TTHM ¹ ≤0.020 mg/L and HAA5 ¹ ≤0.015 mg/L for one year | One sample per treatment plant per three-year monitoring cycle at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following the quarter in which system qualifies for reduced monitoring. |

¹ TOC, TTHM, and HAA5 values based on annual averages.

(2) Systems on reduced monitoring shall resume monitoring at the frequency specified in column C of table 64534.2-A in the quarter immediately following the quarter in which the system exceeds 0.060 mg/L for the TTHM annual average or 0.045 mg/L for the HAA5 annual average, or 4 mg/L

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for the source water TOC annual average. For systems using only ground water not under the direct influence of surface water and serving fewer than 10,000 persons or for systems using approved surface water and serving fewer than 500 persons, if either the TTHM annual average is >0.080 mg/L or the HAA5 annual average is >0.060 mg/L, the system shall go to increased monitoring identified in column D of table 64534.2-A in the quarter immediately following the quarter in which the system exceeds 0.080 mg/L or 0.060 mg/L for the TTHM and HAA5 annual averages, respectively; and

(3) Systems on increased monitoring pursuant to column D of table 64534.2-A may return to routine monitoring specified in column C of table 64534.2-A if, after at least one year of monitoring, TTHM annual average is ≤ 0.060 mg/L and HAA5 annual average is ≤ 0.045 mg/L.

(b) Community and nontransient noncommunity water systems using chlorine dioxide shall conduct monitoring for chlorite as follows:

(1) Systems shall take daily samples at the entrance to the distribution system and analyze the samples the same day the samples are taken. For any daily sample that exceeds the chlorite MCL, the system shall take three additional chlorite distribution system samples the following day (in addition to the daily sample required at the entrance to the distribution system) at these locations: as close to the first customer as possible, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. The system shall analyze the additional samples within 48 hours of being notified pursuant to section 64537(b) of the exceedance;

(2) Systems shall take a three-sample set each month in the distribution system. The system shall take one sample at each of the following locations: as close to the first customer as possible, at a location representative of average residence time, and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling shall be conducted in the same manner (as three-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under paragraph (1) to meet the monitoring requirement in this paragraph;

(3) Systems may apply to the State Board to reduce monthly chlorite monitoring in the distribution system pursuant to paragraph (2) to one three-sample set per quarter after one year of monitoring during which no individual chlorite sample taken in the distribution system has exceeded the chlorite MCL and the system has not been required to conduct additional monitoring under paragraph (1). The application shall include the results of all chlorite monitoring conducted in the previous 12 months and the proposed revised monitoring plan as required by section 64534.8. The State Board will evaluate data submitted with the application and determine whether or not the system is eligible to reduce monitoring to one three-sample set per quarter. The system may remain on the reduced monitoring schedule until either any of the three individual chlorite samples taken quarterly in the distribution system under paragraph (2) exceeds the chlorite MCL or the system is required to conduct additional monitoring under paragraph (1), at which time the system shall revert to routine monitoring; and

(4) If a distribution system sample taken pursuant to paragraph (2) exceeds the chlorite MCL, the system shall take and analyze a confirmation sample within 48 hours of being notified pursuant to section 64537(c) of the exceedance. If the system fails to take a confirmation sample pursuant to this paragraph, it shall take and analyze a confirmation sample within two weeks of notification of the results of the first sample.

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(c) Community and nontransient noncommunity systems using ozone shall monitor for bromate as follows:

(1) Systems shall take one sample per month for each treatment plant in the system using ozone. Samples shall be taken at the entrance to the distribution system while the ozonation system is operating under normal conditions;

(2) Systems may reduce bromate monitoring from monthly to once per quarter, if the system's running annual average bromate concentration is ≤ 0.0025 mg/L based on monthly bromate measurements under paragraph (1) for the most recent four quarters, with samples analyzed using Method 317.0 Revision 2.0, 321.8, or 326.0. The system shall notify the State Board in writing within 30 days of the change in monitoring frequency. The system shall continue monthly bromide monitoring of the source water to remain on reduced bromate monitoring; and

(3) Systems shall resume routine bromate monitoring pursuant to paragraph (1) and notify the State Board in writing within 30 days of the change in monitoring frequency if:

(A) The running annual average bromate concentration, computed quarterly, is greater than 0.0025 mg/L; or

(B) The running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements.

(d) By the applicable date specified in section 64530(d), and in lieu of TTHM and HAA5 monitoring in subsection (a):

(1) Community and nontransient noncommunity water systems shall monitor for TTHM and HAA5 at the frequencies and location totals indicated in table 64534.2-C and in accordance with the monitoring plan developed pursuant to section 64534.8;

Table 64534.2-C
Routine Monitoring Frequency for TTHM and HAA5

| <i>Source water type</i> | <i>Persons served</i> | <i>Minimum monitoring frequency¹</i> | |
|--------------------------------------|-----------------------|---|--------------------------------------|
| | | <i>Number of distribution system monitoring locations</i> | <i>Monitoring period²</i> |
| Systems using approved surface water | $\geq 5,000,000$ | 20 dual sample sets | per quarter |
| | 1,000,000 – 4,999,999 | 16 dual sample sets | per quarter |
| | 250,000 – 999,999 | 12 dual sample sets | per quarter |
| | 50,000 – 249,999 | 8 dual sample sets | per quarter |
| | 10,000 – 49,999 | 4 dual sample sets | per quarter |
| | 3,301 – 9,999 | 2 dual sample sets | per quarter |
| | 500 – 3,300 | 1 TTHM and 1 HAA5 sample: one at the location | per quarter |

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| | | | |
|--|-------------------|---|-------------|
| | | with the highest TTHM measurement, one at the location with the highest HAA5 measurement | |
| | <500 | 1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement ³ | per year |
| Systems using ground water not under direct influence of surface water | ≥500,000 | 8 dual sample sets | per quarter |
| | 100,000 – 499,999 | 6 dual sample sets | per quarter |
| | 10,000 – 99,999 | 4 dual sample sets | per quarter |
| | 500 – 9,999 | 2 dual sample sets | per year |
| | <500 | 1 TTHM and 1 HAA5 sample: one at the location with the highest TTHM measurement, one at the location with the highest HAA5 measurement ³ | per year |

¹ All systems shall monitor during the month of highest disinfection byproduct concentrations.

² Systems on quarterly monitoring shall take dual sample sets every 90 days at each monitoring location, except for systems using approved surface water and serving 500 – 3,300 persons.

³ Only one location with a dual sample set per monitoring period is needed if highest TTHM and HAA5 concentrations occur at the same location and month.

(2) Undisinfected systems that begin using a disinfectant other than UV light after the applicable dates in 40 Code of Federal Regulations, part 141.600 (71 Fed. Reg. 388, January 4, 2006), which is incorporated by reference, shall consult with the State Board to identify compliance monitoring locations for this subsection. Systems shall then develop a monitoring plan in accordance with section 64534.8 that includes those monitoring locations;

(3) Systems may apply to the State Board to monitor at a reduced frequency in accordance with table 64534.2-D, any time the LRAA is ≤0.040 mg/L for TTHM and ≤0.030 mg/L for HAA5 at all monitoring locations. In addition, the source water annual average TOC level, before any treatment shall be ≤4.0 mg/L at each treatment plant treating approved surface water, based on source water TOC monitoring conducted pursuant to section 64534.6. The application shall include the results of all TOC, TTHM, and HAA5 monitoring conducted in the previous 12 months and the proposed revised monitoring plan as required by section 64534.8. The State Board will evaluate data submitted with the application to determine whether or not the system is eligible for the reduced monitoring specified in table 64534.2-D;

Table 64534.2-D
Reduced Monitoring Frequency for TTHM and HAA5

| <i>Source water type</i> | <i>Persons served</i> | <i>Minimum monitoring frequency</i> | |
|--------------------------------------|-----------------------|---|--------------------------------------|
| | | <i>Number of distribution system monitoring locations</i> | <i>Monitoring period¹</i> |
| Systems using approved surface water | ≥5,000,000 | 10 dual sample sets: at the locations with the five highest TTHM and five highest HAA5 LRAAs | per quarter |
| | 1,000,000 – 4,999,999 | 8 dual sample sets: at the locations with the four highest TTHM and four highest HAA5 LRAAs | per quarter |
| | 250,000 – 999,999 | 6 dual sample sets: at the locations with the three highest TTHM and three highest HAA5 LRAAs | per quarter |
| | 50,000 – 249,999 | 4 dual sample sets: at the locations with the two highest TTHM and two highest HAA5 LRAAs | per quarter |
| | 10,000 – 49,999 | 2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs | per quarter |
| | 3,301 – 9,999 | 2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest | per year |

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| | | | |
|---|-------------------|--|-------------|
| | | HAA5 single measurement | |
| | 500 – 3,300 | 1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter | per year |
| Systems using only ground water not under direct influence of surface water | ≥500,000 | 4 dual sample sets: at the locations with the two highest TTHM and two highest HAA5 LRAAs | per quarter |
| | 100,000 – 499,999 | 2 dual sample sets: at the locations with the highest TTHM and highest HAA5 LRAAs | per quarter |
| | 10,000 – 99,999 | 2 dual sample sets: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement | per year |
| | 500 – 9,999 | 1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the | per year |

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| | | |
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| | quarter with the highest HAA5 single measurement; 1 dual sample set per year if the highest TTHM and HAA5 measurements occurred at the same location and quarter | |
| <500 | 1 TTHM and 1 HAA5 sample: one at the location and during the quarter with the highest TTHM single measurement, one at the location and during the quarter with the highest HAA5 single measurement; 1 dual sample set every third year if the highest TTHM and HAA5 measurements occurred at the same location and quarter | every third year |

¹ Systems on quarterly monitoring shall take dual sample sets every 90 days.

- (4) Systems on reduced monitoring shall resume routine monitoring pursuant to table 64534.2-C or conduct increased monitoring pursuant to paragraph (5) (if applicable), if the TTHM LRAA is >0.040 mg/L or the HAA5 LRAA is >0.030 mg/L at any monitoring location (for systems with quarterly reduced monitoring); a TTHM sample is >0.060 mg/L or a HAA5 sample is >0.045 mg/L (for systems with annual or less frequent monitoring); or the source water annual average TOC level, before any treatment, is >4.0 mg/L at any treatment plant treating an approved surface water;
- (5) Systems that are required to monitor at a particular location annually or less frequently than annually pursuant to table 64534.2-C or 64534.2-D shall increase monitoring to dual sample sets once per quarter (taken every 90 days) at all locations if a TTHM sample is >0.080 mg/L or a HAA5 sample is >0.060 mg/L at any location. Systems on increased monitoring may return to routine monitoring specified in table 64534.2-C if, after at least four consecutive quarters of monitoring, the LRAA for every monitoring location is ≤0.060 mg/L for TTHM and ≤0.045 mg/L for HAA5;
- (6) If the operational evaluation level (OEL) exceeds 0.080 mg/L for TTHM or 0.060 mg/L for HAA5 at any monitoring location, systems shall conduct an operational evaluation. The operational evaluation shall include the examination of system treatment and distribution operational practices, including storage tank operations, excess storage capacity, distribution system flushing, changes in sources or source water quality, and treatment changes or problems that may contribute to TTHM and HAA5 formation and what steps could be considered to

minimize future exceedances. Systems that are able to identify the cause of the OEL exceedance may submit a written request to the State Board to limit the scope of the evaluation. The request to limit the scope of the evaluation shall not extend the schedule in section 64537(c) for submitting the written report to the State Board;

(7) Systems on reduced monitoring pursuant to table 64534.2-B may remain on reduced monitoring after the applicable date in table 64530-A for compliance with this subsection provided the system meets IDSE requirements under section 64530(c) by qualifying for a 40/30 certification (40 CFR part 141.603) or receiving a very small system waiver (40 CFR part 141.604), meets the reduced monitoring criteria in paragraphs (3) and (4), and does not change or add monitoring locations from those used for compliance monitoring under subsection (a); and

(8) Systems on increased monitoring pursuant to table 64534.2-A shall remain on increased monitoring and conduct increased monitoring pursuant to paragraph (5) at the locations in the monitoring plan developed under section 64534.8 beginning at the applicable date in table 64530-A for compliance with this subsection. Systems on increased monitoring may return to routine monitoring specified in table 64534.2-C pursuant to paragraph (5).

Article 4. Compliance requirements

§64535. General Requirements for Determining Compliance.

(a) All samples taken and analyzed in accordance with section 64534.8 shall be included in determining compliance, pursuant to sections 64535.2, 64535.4, and 64536.4.

(b) For violations of the MCLs in section 64533 or MRDLs in section 64533.5 that may pose an acute risk to human health, notification shall be pursuant to sections 64463, 64463.1, and 64465.

§64535.2. Determining Disinfection Byproducts Compliance.

(a) During the first year of monitoring for disinfection byproducts under sections 64534.2(a), (b), and (c), the system shall comply with paragraphs (1) through (3). During the first year of monitoring for TTHM and HAA5 under section 64534.2(d), the system shall comply with paragraphs (1) through (3) at each monitoring location:

(1) The average of the first quarter's results shall not exceed four times the MCLs specified in section 64533.

(2) The average of the first and second quarter's results shall not exceed two times the MCLs specified in section 64533.

(3) The average of the first, second, and third quarter's results shall not exceed 1.33 times the MCLs specified in section 64533.

(b) TTHM and HAA5 MCL compliance, as monitored pursuant to section 64534.2(a), shall be determined as follows:

(1) For systems monitoring quarterly, the running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected pursuant to section 64534.2(a) shall not exceed the MCLs specified in section 64533;

(2) For systems monitoring less frequently than quarterly, the average of samples collected that calendar year pursuant to section 64534.2(a) shall not exceed the MCLs specified in section 64533. If the average of the samples collected under section 64534.2(a) exceeds the MCL, the system shall increase monitoring to once per quarter per treatment plant. Compliance with the MCL shall then be determined by the average of the sample that triggered the quarterly monitoring and the following three quarters of monitoring, unless the result of fewer than four quarters of monitoring

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will cause the running annual average to exceed the MCL, in which case the system is in violation immediately. After monitoring quarterly for four consecutive quarters (including the quarter that triggered the quarterly monitoring), and until such time as monitoring returns to routine monitoring pursuant to section 64534.2(a)(3), compliance shall be determined pursuant to paragraph (1);

(3) If the running annual arithmetic average of quarterly averages covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6; and

(4) If a public water system fails to complete four consecutive quarters of monitoring, compliance with the MCL for the last four-quarter compliance period shall be based on an average of the available data.

(c) Compliance for bromate shall be based on a running annual arithmetic average, computed quarterly, of monthly samples (or, for months in which the system takes more than one sample, the average of all samples taken during the month) collected by the system as prescribed by section 64534.2(c). If the average of samples covering any consecutive four-quarter period exceeds the MCL, the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6. If a public water system fails to complete 12 consecutive months of monitoring, compliance with the MCL for the last four-quarter compliance period shall be based on an average of the available data.

(d) Compliance for chlorite shall be based on the results of samples collected by the system pursuant to sections 64534.2(b).

(1) If any daily sample taken at the entrance to the distribution system exceeds the chlorite MCL and one (or more) of the three samples taken in the distribution system pursuant to section 64534.2(b)(1) exceeds the chlorite MCL, the system is in violation of the MCL and shall take immediate corrective action to reduce the concentration of chlorite to a level below the MCL. The system shall notify the State Board within 48 hours of the determination and notify the public pursuant to the procedures for acute health risks in sections 64463, 64463.1, and 64465, including language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6. Failure to take samples in the distribution system the day following an exceedance of the chlorite MCL at the entrance to the distribution system is also an MCL violation and the system shall notify and report as described in this paragraph;

(2) If the average of an individual sample from the three-sample set taken pursuant to 64534.2(b)(2) and its confirmation sample taken pursuant to section 64634.2(b)(4) exceeds the chlorite MCL, the system is in violation of the MCL and shall take the corrective action and notify and report as described in paragraph (1). If the average of the individual sample and its confirmation does not exceed the MCL, the system shall inform the State Board of the results within seven days from receipt of the original analysis. Failure to take a confirmation sample pursuant to section 64534.2(b)(4) is also an MCL violation and the system shall notify and report as described in paragraph (1); and

(3) If any two consecutive daily samples taken at the entrance to the distribution system exceed the chlorite MCL and all distribution system samples taken pursuant to 64534.2(b)(1) are less than or equal to the chlorite MCL, the system is in violation of the MCL and shall take corrective action to reduce the concentration of chlorite to a level below the MCL at the point of sampling. The system shall notify the public pursuant to the procedures for nonacute health risks in sections

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64463, 64463.4, and 64465, including the language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorite MCL at the entrance to the distribution system is also an MCL violation and the system shall notify and report as described in this paragraph.

(e) TTHM and HAA5 MCL compliance, as monitored pursuant to section 64534.2(d), shall be determined as follows:

(1) For systems monitoring quarterly, each locational running annual average (LRAA), computed quarterly, shall not exceed the MCLs specified in section 64533;

(2) For systems monitoring annually or less frequently, each sample collected shall not exceed the MCLs specified in section 64533. If no sample exceeds the MCL, the sample result for each monitoring location shall be considered the LRAA for the monitoring location. If any sample exceeds the MCL, systems shall increase monitoring pursuant to section 64534.2(d)(5). Compliance with the MCL shall then be determined by the average of the sample that triggered the quarterly monitoring and the following three quarters of monitoring, unless the result of fewer than four quarters of monitoring will cause the LRAA to exceed the MCL, in which case the system is in violation immediately. After monitoring quarterly for four consecutive quarters (including the quarter that triggered the quarterly monitoring), and until such time as monitoring returns to routine monitoring pursuant to section 64534.2(d)(5), compliance shall be determined pursuant to paragraph (1);

(3) If a system fails to complete four consecutive quarters of monitoring, compliance with the MCL for the last four-quarter compliance period shall be based on an average of the available data. If more than one sample per quarter is taken at a monitoring location, all the samples taken in the quarter at that monitoring location shall be averaged to determine a quarterly average to be used in the LRAA calculation; and

(4) If the LRAA exceeds the MCL, calculated based on four consecutive quarters of monitoring (or the LRAA calculated based on fewer than four quarters of data if the MCL would be exceeded regardless of the monitoring results of subsequent quarters), the system is in violation of the MCL and shall notify the public pursuant to sections 64463, 64463.4, and 64465, including the language in appendix 64465-G, in addition to reporting to the State Board pursuant to sections 64537 through 64537.6.

§64463.4. Tier 2 Public Notice

(a) A water system shall give public notice pursuant to this section if any of the following occurs:

(1) Any violation of the MCL, MRDL, and treatment technique requirements, except:

(A) Where a Tier 1 public notice is required under section 64463.1; or

(B) Where the State Board determines that a Tier 1 public notice is required, based on potential health impacts and persistence of the violations;

(2) All violations of the monitoring and testing procedure requirements in sections 64421 through 64426.1, article 3 (Primary Standards – Bacteriological Quality), for which the State Board determines that a Tier 2 rather than a Tier 3 public notice is required, based on potential health impacts and persistence of the violations;

(3) Other violations of the monitoring and testing procedure requirements in this chapter, and chapters 15.5, 17 and 17.5, for which the State Board determines that a Tier 2 rather than a

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Tier 3 public notice is required, based on potential health impacts and persistence of the violations;
or

(4) Failure to comply with the terms and conditions of any variance or exemption in place.

(b) A water system shall give the notice as soon as possible within 30 days after it learns of a violation or occurrence specified in subsection (a), except that the water system may request an extension of up to 60 days for providing the notice. This extension would be subject to the State Board's written approval based on the violation or occurrence having been resolved and the State Board's determination that public health and welfare would in no way be adversely affected. In addition, the water system shall:

(1) Maintain posted notices in place for as long as the violation or occurrence continues, but in no case less than seven days;

(2) Repeat the notice every three months as long as the violation or occurrence continues. Subject to the State Board's written approval based on its determination that public health would in no way be adversely affected, the water system may be allowed to notice less frequently but in no case less than once per year. No allowance for reduced frequency of notice shall be given in the case of a total coliform MCL violation or violation of a Chapter 17 treatment technique requirement; and

(3) For turbidity violations pursuant to sections 64652.5(c)(2) and 64653(c), (d) and (f), as applicable, a water system shall consult with the State Board as soon as possible within 24 hours after the water system learns of the violation to determine whether a Tier 1 public notice is required. If consultation does not take place within 24 hours, the water system shall give Tier 1 public notice within 48 hours after learning of the violation.

(c) A water system shall deliver the notice, in a manner designed to reach persons served, within the required time period as follows:

(1) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, community water systems shall give public notice by;

(A) Mail or direct delivery to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system; and

(B) Use of one or more of the following methods to reach persons not likely to be reached by a mailing or direct delivery (renters, university students, nursing home patients, prison inmates, etc.):

1. Publication in a local newspaper;

2. Posting in conspicuous public places served by the water system, or on the Internet; or

3. Delivery to community organizations.

(2) Unless otherwise directed by the State Board in writing based on its assessment of the violation or occurrence and the potential for adverse effects on public health and welfare, noncommunity water systems shall give the public notice by:

(A) Posting in conspicuous locations throughout the area served by the water system; and

(B) Using one or more of the following methods to reach persons not likely to be reached by a public posting:

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1. Publication in a local newspaper or newsletter distributed to customers;
2. E-mail message to employees or students;
3. Posting on the Internet or intranet; or
4. Direct delivery to each customer.

§64465. Public Notice Content and Format.

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

- (1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);
- (2) The date(s) of the violation or occurrence;
- (3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;
- (4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;
- (5) Whether alternative water supplies should be used;
- (6) What actions consumers should take, including when they should seek medical help, if known;
- (7) What the water system is doing to correct the violation or occurrence;
- (8) When the water system expects to return to compliance or resolve the occurrence;
- (9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;
- (10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: "Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail."; and
- (11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [*compliance period dates*], we [*'did not monitor or test' or 'did not complete all monitoring or testing'*] for [*contaminant(s)*], and therefore, cannot be sure of the quality of your drinking water during that time."

(b) A Tier 3 public notice for a water system operating under a variance or exemption shall include the elements in this subsection. If a water system has violated its variance or exemption conditions, the public notice shall also include the elements in subsection (a).

- (1) An explanation of the reasons for the variance or exemption;
- (2) The date on which the variance or exemption was issued;
- (3) A brief status report on the steps the water system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and
- (4) A notice of any opportunity for public input in the review of the variance or exemption.

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

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(1) For a Tier 1 public notice:

(A) The notice shall be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the public water system, and the notice shall include a telephone number or address where such individuals may contact the public water system for assistance; and

(B) If any non-English-speaking group exceeds 1,000 persons served by the public water system, but does not exceed 10 percent served, the notice shall include information in the appropriate language(s) regarding the importance of the notice, and the telephone number or address where such individuals may contact the public water system to obtain a translated copy of the notice from the public water system or assistance in the appropriate language;

(2) For a Tier 2 or Tier 3 public notice:

(A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and

(B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:

1. Information in the appropriate language(s) regarding the importance of the notice; or

2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

(1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;

(2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and

(3) Not contain language that minimizes or contradicts the information being given in the public notice.

**Appendix 64465-G. Health Effects Language
Disinfection Byproducts, Byproduct Precursors, and Disinfectant Residuals**

| <i>Contaminant</i> | <i>Health Effects Language</i> |
|--------------------|--|
| Haloacetic Acids | Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer. |

§64469 Reporting Requirements

- (d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under 64463.7(d), each water system shall submit a certification to the State Board that it has done so, along with a representative copy of each type of public notice given.

APPENDIX 2: PUBLIC NOTIFICATION TEMPLATE

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este aviso contiene información muy importante sobre su agua potable, por favor lea el aviso en español si va aquí incluido. Si el aviso en español no va incluido aquí, contacte al sistema de agua para pedir una copia.

[Insert Water System Name] has levels of Haloacetic Acids Above Drinking Water Standards

Our water system recently failed a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we are doing to correct this situation.

We routinely monitor for the presence of drinking water contaminants. Testing results we received on **[Insert the date the water system received the results]** show that our system exceeds the standard, or maximum contaminant level (MCL), for Haloacetic Acids. The MCL standards for Haloacetic Acids are 60 ug/L. The average level of Haloacetic Acids over the last year was **[Insert the running annual average for HAA5 result in ug/L]**.

What should I do?

- **You do not need to use an alternative (e.g. , bottled) water supply.**
 - This is not an immediate risk. If it had been, you would have been notified immediately. However, *some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.*
- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

[Describe corrective action] _____

We anticipate resolving the problem within _____.

For more information, please contact **[Insert contact name]** at **[Insert contact phone number]** or at the following mailing address: **[Insert mailing address]**.

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by the **[Insert Water System Name] water system.**

State Water System ID#: **[Insert public water system number]** Date distributed: **[Insert date]**.

APPENDIX 3: CERTIFICATION OF COMPLETION OF PUBLIC NOTIFICATION

Compliance Order Number: 01_10_19R_001

Name of Water System: Little Potato Slough MWC

System Number: 3910022

Attach a copy of the public notice distributed to the water system's customers.

This form, when completed and sent to Mostafa.Khademi@Waterboards.ca.gov for the Division of Drinking Water, Stockton District 10, 31 E Channel St., Stockton, CA 95202 serves as certification that public notification to water users was completed as required by Title 22, California Code of Regulations, Sections 64463-64465.

Public notification for failure to comply with the **HAA5 MCL for the 1st quarter of 2019** was conducted on:

Notification was made on _____ (date).

To summarize report delivery used and good-faith efforts taken, please check all items below that apply and fill-in where appropriate:

For Community and non-transient non-community public water systems

☐ The notice was distributed by mail or direct delivery to each customer on: _____

One or more of the following methods were used to reach persons not likely to be reached by a mailing or direct delivery or persons served by a transient public water system (renters, nursing home patients, prison inmates, etc.):

☐ Posted the notice at the following conspicuous locations served by the water system. (If needed, please attach a list of locations). _____

☐ Publication of the notice in a local newspaper or newsletter of general circulation (attach a copy of the published notice, including name of newspaper and date published).

☐ Posted the notice on the Internet at www._____

☐ Other method used to notify customers. _____

I hereby certify that the above information is factual.

Certified by: Printed Name _____ Title _____

Signature _____

Date _____

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment

APPENDIX 4: QUARTERLY PROGRESS REPORT

| | | | |
|-----------------------|---------------------------------|-------------------|--|
| Water System: | Little Potato Slough MWC | Water System No.: | 3910022 |
| Compliance Order No.: | 01_10_19R_001 | Violation: | HAA5 MCL, 1st QT. 2019 |
| Calendar Quarter: | | Date Prepared: | |

This form should be prepared and signed by Water System personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress report must be submitted by the 10th day of each subsequent quarter, to the Division of Drinking Water, Stockton District 10 Office to the following email address: Mostafa.Khademi@waterboards.ca.gov titled appropriately.

Summary of Compliance Plan:

| |
|--|
| |
|--|

Tasks completed in the reporting quarter:

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| |
|--|

Tasks remaining to complete:

| |
|--|
| |
|--|

Anticipated compliance date:

| |
|--|
| |
|--|

Printed Name

Signature

Title

Date

APPENDIX 5 – NOTIFICATION OF RECEIPT

Compliance Order Number: 01_10_19R_001

Name of Water System: Little Potato Slough MWC

System Number: 3910022

Certification

I certify that I am an authorized representative of the Little Potato Slough MWC and that Compliance Order No. 01_10_19R_001 was received on _____. Further I certify that the Order has been reviewed by the appropriate management staff of the Little Potato Slough MWC and it is clearly understood that Compliance Order No. 01_10_19R_001 contains legally enforceable directives with specific due dates.

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE STATE WATER BOARD,
DIVISION OF DRINKING WATER, NO LATER THAN MAY 31, 2019**

Disclosure: Be advised that the California Health and Safety Code, Sections 116725 and 116730 state that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the Safe Drinking Water Act may be liable for, respectively, a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation or, for continuing violations, for each day that violation continues, or be punished by a fine of not more than \$25,000 for each day of violation, or by imprisonment in the county jail not to exceed one year, or by both the fine and imprisonment.